PTO/PCT Rec'd 19 JUL 2002 (except for attorney's signature) #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hiroki SATO et al.

Attn: BOX PCT

Serial No. NEW

Docket No. 2002_0348A

Filed March 29, 2002

INOCULATING AGENT, SPAWNED INSECT AND METHOD OF PRODUCING FRUIT BODIES OF ENTOMOPATHOGENIC FUNGI [Corresponding to PCT/JP99/05317 Filed September 29, 1999] THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents, Washington, DC 20231

Sir:

Please amend the above-identified application as follows:

IN THE CLAIMS

Please amend claims 7 and 8 as follows:

- 7. (Amended) A method of producing fruit bodies of an entomopathogenic fungus according to claim 5, wherein said insect is in a form of a pupa.
- 8. (Amended) A method of producing fruit bodies of an entomopathogenic fungus according to claim 5, wherein said entomopathogenic fungus is a fungus belonging to the genus *Cordyceps*.

Please add new claims 9-12 as follows:

9. (New) A method of producing fruit bodies of an entomopathogenic fungus according to claim 6, wherein said insect is in a form of a pupa.

10. (New) A method of producing fruit bodies of an entomopathogenic fungus according to claim 6, wherein said entomopathogenic fungus is a fungus belonging to the genus *Cordyceps*.

11. (New) A method of producing fruit bodies of an entomopathogenic fungus according to claim 7, wherein said entomopathogenic fungus is a fungus belonging to the genus *Cordyceps*.

12. (New) A method of producing fruit bodies of an entomopathogenic fungus according to claim 9, wherein said entomopathogenic fungus is a fungus belonging to the genus *Cordyceps*.

REMARKS

The foregoing amendments avoid the multiple dependency of original claims 7 and 8, in order to reduce the filing fee, as a result of which new claims 9-12 have been added to the application.

Attached hereto is a marked-up version of the changes made to claims 7 and 8 by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,

Hiroki SATO et al.

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7/19/02

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

- 7. (Amended) A method of producing fruit bodies of an entomopathogenic fungus according to claim 5 [or 6], wherein said insect is in a form of a pupa.
- 8. (Amended) A method of producing fruit bodies of an entomopathogenic fungus according to [any one of claims] <u>claim</u> 5 [to 7], wherein said entomopathogenic fungus is a fungus belonging to the genus *Cordyceps*.